

REMARKS/ARGUMENTS

Election/Restriction

In the Office Action dated February 27, 2006, the Examiner imposed a restriction requirement between the following groups of claims:

1. Group I, claims 1-22 and 33, drawn to a multi-purpose solution; and
2. Group II, claims 23-32, directed to a method for maintaining ocular tissue cell membrane integrity during contact lens wear.

The Applicant hereby confirms her telephonic *election of Group I without traverse, reading on claims 1-22 and 33.*

35 USC § 102

In the Office Action dated February 27, 2006, the Examiner rejected **claims 1, 2, 5, 7, and 8** under 35 USC § 102(b) as being anticipated by WO 00/12661. The applicant respectfully traverses this rejection, especially in view of the amendments made herein.

As amended, claim 1 (and claims 2, 5, 7, and 8 by virtue of their dependence on amended claim 1) expressly require "...a *primary alkylamine*, a *secondary alkylamine*...[or]... a *tertiary alkylamine*, wherein the alkylamine comprises a *C₁₃₋₁₇ alkyl*...", and that the "...*non-ionic surfactant*...is present in the *solution in an amount effective to (a) solubilize the alkylamine* to a concentration effective for the alkylamine to exert an antimicrobial effect *and (b) to clean a contact lens* contacted with said solution..."

These elements are clearly not present (neither literally, nor implicitly/inherently) in the '661 reference. Essentially, the '661 reference teaches use of non-ionic surfactants in combination with zwitterionic surfactants, which are described as beneficial for grease cleaning:

Suitable zwitterionic surfactants for use herein contain both basic and acidic groups which form an inner salt giving both cationic and anionic hydrophilic groups on the same molecule at a relatively wide range of PH's. The typical cationic group is a quaternary ammonium group, although other positively charged groups like phosphonium,

imidazolium and sulfonium groups can be used. The typical anionic hydrophilic groups are carboxylates and sulfonates, although other groups like sulfates, phosphonates, and the like can be used. Page 24, lines 11-18.

Therefore, claims 1, 2, 5, 7, and 8 should not be considered anticipated by the '661 reference.

In the Office Action dated February 27, 2006, the Examiner rejected **claims 1, 4 and 6-8** rejected under 35 USC § 102(b) as being anticipated by Gross (U.S. Pat. No. 4,891,150). The applicant respectfully traverses this rejection, especially in view of the amendments made herein. The concentration of amines listed by Gross fall well outside the concentration of the primary alkylamine, secondary alkylamine, and tertiary alkylamine as presently claimed. Gross states as follows:

Amine oxides, alkoxylated amine oxides and amines are here present in concentrations from 0.1% to 10 %, preferably in concentrations from 0.3% to 5%. Col. 4, lines 63-65.

In contrast, the primary secondary and tertiary amines according to the present invention are present “in an amount in the range of about 0.1 ppm or about 0.3 ppm to about 7.5 ppm or about 10 ppm.” Page 5, lines 16-17. Since 0.1 % concentration is equivalent to 1000 ppm, one can clearly see that the composition of Gross contain significantly higher concentration of amines than the present invention. The concentrations taught by Gross, which are intended to be useful for cleaning and descaling of toilets and other sanitary intallations, are not suitable for use in a multi-purpose solution. Multi-purpose solutions are is intended for use with contact lenses that are placed in an eye. If the solution of Gross was placed in the eye, at best it would cause severe redness and irritation of the eye. Therefore, claims 1, 4 and 6-8 should not be considered anticipated or even obvious in view of Gross.

35 USC § 103

In the Office Action dated February 27, 2006, the Examiner rejected **claims 3, 4, 6, 9-16, 18-19, and 21** under 35 USC § 103 as being obvious over WO 00/12661. The Applicant respectfully disagrees, especially in view of the amendments made herein.

As amended, claims 1 and 9 (and claims 3, 4, 6, 10-16, 18-19, and 21 by virtue of their dependence on amended claims 1 and 9) require that the alkylamine is selected from "...a *primary alkylamine*, a *secondary alkylamine*...[or]... a *tertiary alkylamine*, wherein the alkylamine comprises a *C₁₃₋₁₇ alkyl*...", and that the "...*non-ionic surfactant*...is present in the *solution in an amount effective to (a) solubilize the alkylamine* to a concentration effective for the alkylamine to exert an antimicrobial effect *and (b) to clean a contact lens* contacted with said solution..."

It is noted that there is no teaching, suggestion, or motivation in the '661 reference to use a primary alkylamine, a secondary alkylamine or a tertiary alkylamine, and that the non-ionic surfactant is present in an amount effective to solubilize the alkylamine to a concentration effective for the alkylamine to exert an antimicrobial effect. Indeed, as described in greater detail above, the reference primarily teaches the use of zwitterionic quaternary amines for increased grease cleaning on hard surfaces, which are presumably exterior to the eye. Such teaching is clearly *inconsistent with the claimed primary, secondary, and tertiary alkylamines that must be present in the solution at a disinfecting concentration and that must be solubilized to that concentration by the non-ionic surfactant*. Therefore, and at least for these reasons, claims 3, 4, 6, 10-16, 18-19, and 21 should not be deemed obvious over the '661 reference.

In the Office Action dated February 27, 2006, the Examiner rejected **claims 1, 2, 4-10, 12-14, 16, 18-22 and 33** under 35 USC § 103 as being obvious over Popp (U.S. Pat. App. No. 2005/0095215). In his rejection, the examiner relied on Popp's teaching of non-ionic surfactants in combination with certain cationic surfactants (e.g., TMAC, DMBA). Once more, while Popp's surfactants are amine compounds, they are certainly not a *primary alkylamine*, a *secondary alkylamine*, or a *tertiary alkylamine* as presently claimed, let alone such compounds in which an alkyl portion is a C₁₃₋₁₇ group.


In the Office Action dated February 27, 2006, the Examiner rejected **Claim 17** under 35 USC § 103 as being obvious over WO 00/12661 in view of Rees. The applicant respectfully traverses this rejection, especially in view of the amendments made herein. Rees was relied upon to provide a teaching of boric acid in cleaner compositions of the '661 reference. First, and contrary to the office's assertion, there is no motivation or suggestion in the Rees reference to include boric acid into a cleaner of the '661 reference. Indeed, Rees teaches that ***boric acid assists in removal of limescale***, and that ***citric acid is employed as a buffering system***. This is inconsistent with boric acid as a buffer component as presently claimed. Still further, Rees expressly teaches that acidic solutions are critical to stabilized bleaching solutions, while the '661 reference requires that the pH of the cleaner is neutral to alkaline. Thus, a person of ordinary skill in the art would not combined the teachings of the cited references.

CONCLUSION

In view of the present amendments and arguments, the applicant believes that all claims are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case. If for any reason the Examiner does not find the present claims in condition for allowance, he is requested to call the undersigned at California telephone number (714) 247-8510.

Respectfully submitted,
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